

# **DEVELOPMENT ASSESSMENT REPORT – DA317/17 - PROPOSED TELECOMMUNICATIONS FACILITY, LOT 2 DP 1069254, 2430 GREAT WESTERN HIGHWAY LITTLE HARTLEY NSW 2790**

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## **1. PROPOSAL**

Council is in receipt of a Development Application DA317/17 for a telecommunication tower on land known as Lot 2 DP 1069254, 2430 Great Western Highway, Little Hartley.

The development is proposing to establish a new fixed wireless facility to enhance internet services within the Hartley Area. The fixed wireless network uses cellular technology to transmit signals to and from antennas fixed on the outside of dwellings and businesses. The facility is proposed to include:

- One 45m monopole;
- One parabolic dish antenna;
- Six panel antennas, to be mounted on a headframe on top of the pole;
- Two outdoor units at ground level
- Ancillary equipment associated with the operation of the facility including cable trays, cabling, safe access methods, bird proofing, earthing, electrical works and air-conditioning equipment.

The facility is proposed to be located within an 8m x 10m compound area that is to be leased from the property owner. The area is also proposed to be enclosed by a 2.4m high chain-link security fence. The facility will not exceed a height of 45m above ground level, including the antennas. The development is proposed to be connected to electricity supplies and will operate on an unmanned basis. The tower is proposed to be in a 'pale eucalypt' colour with the bottom half of the tower screened by existing vegetation.

The property has an area of 2537m<sup>2</sup> and is currently vacant of building structures. Properties surrounding the development are predominantly comprised of rural residential developments. The property adjoins the Great Western Highway to the south and Browns Gap Road to the west.

The topography of the land is relatively flat and is vegetated by trees of varying scale. A new access is proposed to be constructed from Browns Gap Road.

The development is proposed to be constructed within approximately 10 weeks.

The property is shown in the photograph below:



## 2. SUMMARY

To assess and recommend determination of DA317/17 with recommendation for approval subject to conditions.

## 3. LOCATION OF THE PROPOSAL

Legal Description: Lot 2 DP 1069254  
Property Address: 2430 GREAT WESTERN HIGHWAY LITTLE HARTLEY NSW  
2790

**4. ZONING:** The land is zoned SP2 Infrastructure in accordance with Council's current planning instrument, being Lithgow Local Environmental Plan (LEP) 2014.

**5. PERMISSIBILITY:** The development being a *'telecommunications facility'*, as defined below, is not permissible under Lithgow Local Environmental Plan 2014 as the land is zoned SP2 Infrastructure in which only 'Roads and Traffic Facility' is permitted. However, as per Clause 115 of *State Environmental Planning Policy (Infrastructure) 2007* subject to development consent, a 'telecommunication facility' is permitted. The SEPP would override the permissibility's stated within the Local Environmental Plan.

### Definition

***telecommunications facility*** means:

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, cable, optical fibre, fibre access node, interconnect point equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or
- (c) any other thing used in or in connection with a telecommunications network.

## 5.1 POLICY IMPLICATIONS (OTHER THAN DCP's)

### **Policy 7.5 Notification Of Development Applications**

This policy applies to all applications as below:

**5. Who will be notified under this Policy and how long is the notification period?**

5.1 Except for specified types of development outlined in 6.3 below, written notice of a development application will be given to landowners adjoining the Lithgow City Council Policy 7.5 – Notification of Development Applications land on which the development is proposed for a period of 14 calendar days. For the purposes of this policy adjoining land is land that directly abuts the subject site; shares a common boundary; or is situated directly opposite to the site where separated by a road, pathway or driveway.

The proposal was notified to surrounding landowners and placed on display for two notification periods, the first period for 19 days (excluding the Christmas closure period) and an additional 14 days due to the applicant submitting the incorrect address on the development application form. The submissions are summarised later in this report. As such the development complies with Council's Policy.

**Policy 7.7 Calling In Of Development Applications By Councillors**

Although this application has **not** been called in pursuant to Policy 7.7 "Calling in of Applications by Councillors", the previous development application (DA317/16) for a proposed NBN tower was.

DA317/16 call in was reported at Council's Ordinary meeting held on 6 February 2017 (Minute Number 17-25). It was resolved at the meeting to hold an onsite meeting before the DA is reported to Council for determination.

An onsite meeting was held 10 March 2017 on an adjoining landowner's property due to safety concerns of parking on Browns Gap Road. The meeting was held with Council and the surrounding landowners.

DA317/16 was subsequently withdrawn due to consent with the Roads and Maritime Services (Property and Acquisition Department) not being obtained prior to the lodgement of the development application.

Meetings were held with the applicant and RMS prior to lodgement of the new development application DA317/17. The development has been relocated on an adjoining allotment outside the footprint of the RMS Highway upgrade project and consent was obtained.

As the previous application was 'called in' and due to a number of community concerns, the development was reported to Council for determination.

**5.2 FINANCIAL IMPLICATIONS (eg Section 94)**

**Section 94A Development Contributions Plan 2015**

The Section 94A plan applies to this development given it is for a '*telecommunications facility*', at an estimated cost of \$187,000, using the below levies:

Estimated cost of development	Levy applicable
\$0 to \$100,000	0%
\$100,001 to \$200,000	0.5%
\$200,001 and over	1%

Therefore, the following condition of consent should apply to the development is approved:

- *Prior to the issue of a Construction Certificate the applicant shall pay to Council a Section 94A contribution of \$935.00, in accordance with the Lithgow City Council Section 94A Development Contribution Plan 2015. It is advised that the level of contribution in this plan may be adjusted at the time of actual payment, in accordance with the provisions of the Lithgow City Council Section 94A Development Contribution Plan 2015.*

### 5.3 LEGAL IMPLICATIONS

#### Environmental Planning and Assessment Act 1979

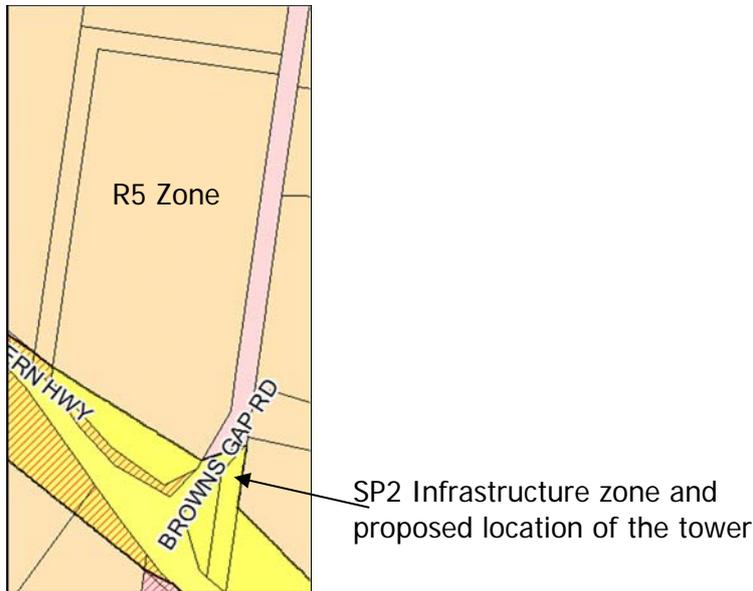
In determining a development application, a consent authority is required to take into consideration the matters of relevance under Section 79C of the *Environmental Planning and Assessment Act 1979*. These matters for consideration are as follows:

##### 5.3.1 Any Environmental Planning Instruments

##### ***Lithgow Local Environmental Plan 2014***

LEP 2014 – Compliance Check		
Clause		Compliance
Land Use table	SP2 Infrastructure	No
5.1	Relevant acquisition authority	Yes
7.5	Groundwater vulnerability	Yes

**Comment:** The section of land the tower is proposed is on the SP2 Infrastructure zoning area. Refer to the map below:



The proposed development is consistent with the zone objectives. The objectives of the zone are:

#### **Zone SP2 Infrastructure**

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*
- *To maintain or improve the water quality of receiving water catchments.*

The development is not permissible under Council's LEP 2014 as the structure is not related to infrastructure for the highway upgrade works. However, the development is permissible as per Clause 115 *'Development permitted with consent'* under the State Environmental Planning Policy (SEPP) (Infrastructure) 2007. The SEPP overrides Council's LEP 2014.

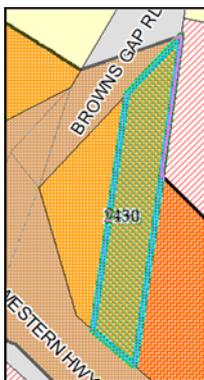
The development is located towards the rear boundary of the property, over 100m from the current Highway alignment and within proximity to the R5 Large Lot Residential Zoning area on the adjoining property. The development will not detract from the provision of road infrastructure as the RMS has advised that the development is not within the Highway upgrade project area.

The property has an area of 2537m<sup>2</sup> with the location of the development being relatively flat. The development will not impact on the value of the land in terms of agricultural potential, etc. as it is only using part of the large allotment, which is physically excised from the bulk of the Lot. There are no known heritage, contamination or flora/fauna issues relating to the property. The surrounding development is typical of rural residential developments. The development will not impact adjoining neighbours in terms of over shadowing, privacy or traffic.

The property is located within the land acquisition area with the acquisition authority being the Roads and Maritime Services (RMS). Council's LEP 2014 states that development consent is required from the RMS to utilise the land reserved to be included in the Highway upgrade works.

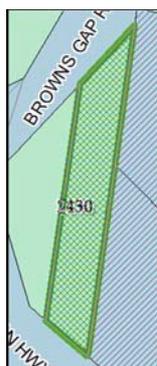
The RMS has advised Council that the proposed telecommunications facility is located in the northern corner of the property which is outside the footprint of the future highway upgrade project. Given the proposed facility is outside of the upgrade footprint, and, the limited opportunities in the locality to install the facility with maximum coverage, RMS grants its concurrence, subject to conditions of consent. These conditions are found later in this report.

The acquisition map is shown below:



The property is identified as containing ground water vulnerability. The development is not expected to create any adverse impact as minimal earthworks are proposed. Groundwater dependent ecosystems would not be impacted upon by the development as the landscape of the property is proposed to remain. The development is designed,

sited and will be managed to avoid any significant adverse environmental impact. Water vulnerability is mapped below:



The land is deemed suitable for the proposal and is considered to comply with Council's LEP 2014.

***State Environmental Planning Policy (Infrastructure) 2007, Amendment (Telecommunications Facility) 2010 and the Principles of NSW Telecommunications Facilities Guidelines including Broadband (2010)***

SEPP (Infrastructure) 2007 – Compliance Check		
	Clause	Compliance
<b>Division 21</b>	Telecommunications and other communication facilities	Yes
<b>115</b>	Development permitted with consent	Applies in this case.
	<b>Principles of NSW Telecommunications Facilities Guidelines including Broadband (2010)</b>	
	Principle 1: A telecommunications facility is to be designed and sited to minimise visual impact	Yes
	Principle 2: Telecommunications facilities should be co-located wherever practical.	Yes
	Principle 3: Health standards for exposure to radio emissions must be met.	Yes
	Principle 4: Minimise disturbance and risk, and maximise compliance.	Yes

**Comment:** The development is located within the SP2 Infrastructure zone therefore the development requires Council Consent and does not fall within the SEPP (Exempt and Complying Development Codes) 2008. The infrastructure SEPP 2007 overrides Council's LEP 2014 in regard to permissibility in the zone, provided that the development satisfies the *'Principles of NSW Telecommunications Facilities Guidelines including Broadband (2010)'*.

The development complies with the principles indicated in the table above as:  
 The proposed facility will be viewed within the highly modified road corridor that includes earthworks associated with the widening of the Great Western Highway, advertising signage and electrical infrastructure. The development would be painted in a non-reflective colour to blend with surrounding vegetation with the bottom of the infrastructure screened by vegetation. The tower will be slim similar to electrical poles and vegetation in the area.

The power cables are proposed to run underground to the pole to avoid external elevated cables.

The location of the development was considered based on construction cost, line of sight to the upstream facility, tenure availability, planning controls, access to power and the ultimately the capability of a facility at the site to service the surrounding community. Co-location with the tower at Mount Victoria would not be suitable as it would cause coverage loss and reduce the total number of properties it is intended to service.

The facility is constructed in accordance with the national and international health authorities such as Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) and the World Health Organisation (WHO).

Nbn advised in their statement of environmental effects that they ensure their telecommunications facilities are designed and operated so that people are not exposed to above international guideline levels (International Commission on Non-Ionising Radiation Protection (ICNIRP) and national standards (Australian Radio Protection and Nuclear Safety Authority (ARPANSA)).

***State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011***

SEPP (Sydney Drinking Water Catchment) 2011 – Compliance Check		
Clause		Compliance
10	Development consent cannot be granted unless neutral or beneficial effect on water quality	Yes

**Comment:** The application is required to be assessed using the Neutral or Beneficial Effect on Water Quality Assessment Tool as below. Given the development satisfies this assessment the development complies with the SEPP.

NEUTRAL OR BENEFICIAL EFFECT ON WATER QUALITY ASSESSMENT TOOL

**General Information:**

Council Name	Lithgow City
Date	20 December 2016
DA Number	DA 317/16
Assessing Officer	Lauren Stevens
Development Class	Other Development

**Assessment Summary:**

NorBE Status: **Determined**  
 System Outcome: **Satisfied**      User Outcome: **Satisfied**  
 Determination outcome: **Granted**      Determination date: **20/12/16**

**Pre- Assessment Checklist:**

Located within Sydney drinking water Catchment      Yes  
 Is development consistent with any existing SCA 88B  
 Instruments on title?      N/A  
 Crown perpetual leasehold land?      No  
 Water quality impact identifies?      No

Concentration of flow of water?	No
Flow of water impeded?	No
Discharge of pollutants?	No
Any other matter?	No
Documentation is completed?	Yes
Does Water Cycle management Study meet SCA/Council requirements?	Yes

5.3.2 Any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority

Nil.

5.3.3 Any Development Control Plan

Nil.

5.3.4 Any planning agreement that has been entered into under Section 93F, or any draft planning agreement that a developer has offered to enter into under Section 93F?

Nil.

5.3.5 Any matters prescribed by the regulations that apply to the land

There are no demolition works, rebuilding or extension of a building proposed as part of this application.

5.3.6 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

**Adjoining Landuse:** The surrounding area consists of typically 2ha residential properties to the east, adjoins the Great Western Highway to the south and Browns Gap Road to the west.

During the notification period the major concerns involved the visual impact of the tower, specifically from residents within Apple Tree Lane. The resident concerns and the applicant's response are detailed later in this report.

**Services:** The development is proposed to be connected to an underground service and consumer main to an existing pole along Browns Gap Road. Connection to water and sewer is not required.

**Context and Setting and Visual Impacts:** It is considered that the applicant's statement may downplay or understate the visual impacts of the tower. Adjacent trees and power poles are approximately 25m high in which this tower will be more visible to the surrounding area. For residents in Apple Tree Lane, the tower may slightly interrupt views to the Mount York escarpment. The same will be the case for travellers on the Great Western Highway. The applicant has indicated that the tower will be painted in a 'pale eucalypt' colour. Council recommends that a darker colour would be more suited to match with the surrounding landscape and backdrop of the sky and mountains to reduce the impact further. Similar towers have been placed

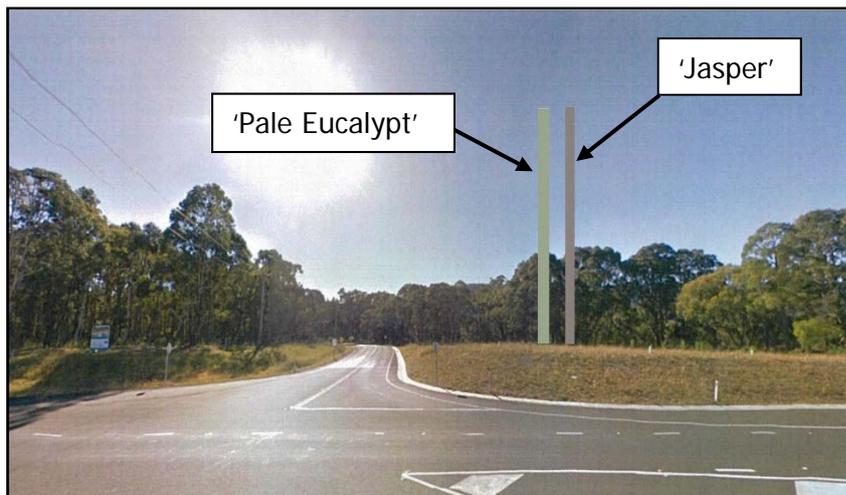
within the Local Government Area with minimal impact to the visual landscapes subject to appropriate colour selections.

Whilst the pole and antennas will create a minor visual impact (being only one tower) it will not impeded on visitors or residents being able to view the landscape and appreciate the escarpments and rural views of the area. It is considered that the social and economic impacts outweigh the physical impacts which in this instance is considered to be within acceptable limits. It does not significantly change the views or character of the area, in which some argue wind turbines do, and this development is for one tower at the bottom of a valley and not on a ridgeline. The visual impacts against various surrounding distant escarpments and cliff faces principally within the Blue Mountains are expected to be minimal as the development will only draw the eye when within proximity.

However, despite acknowledging the impact, the refusal of the application on this basis cannot be supported. A monopole is a reasonably narrow structure and is preferable to a lattice structure.

The following conditions would be included on the consent if approved:

*The colour of the monopole is to be painted in a dark colour like "Jasper" or equivalent. Colour schemes are to be submitted to Council for approval prior to construction work.*



**Access/traffic:** The proposal will gain access via a new crossover and cross track from Browns Gap Road. The access is to comply with Council's Engineering Standards and Guidelines. As such the development was referred to Council's Engineers for comment. These comments are found later in this report.

The location of the new access is shown in the picture below:



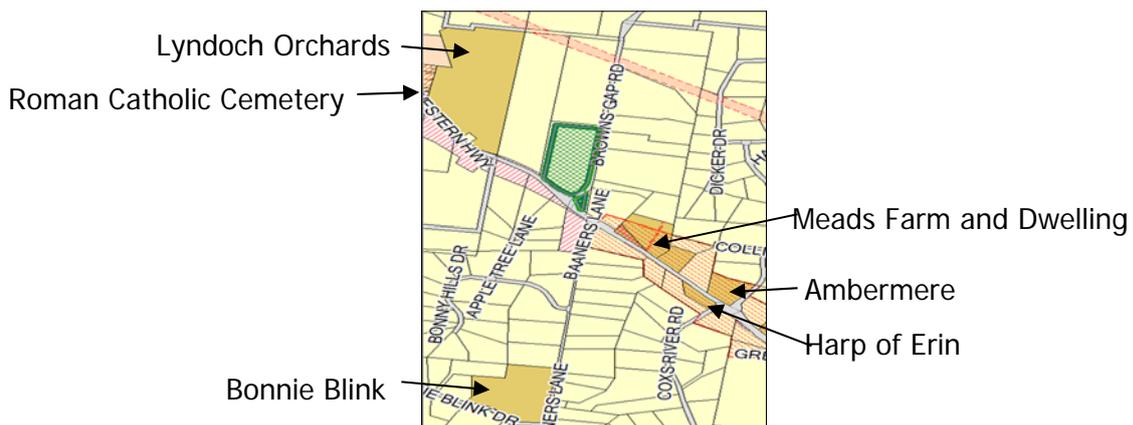
The Statement of Environmental Effects states that a truck will be used to deliver the equipment and a crane will be utilised to lift most of the equipment. Once operational, the facility will function on a continuously unstaffed basis and may require maintenance work approximately once a year.

Any traffic impacts associated with construction will be of a short term duration and is not anticipated to impact the surrounding road network. It is further unlikely that road closure would be required.

**Heritage:** The property is not heritage listed under Council's LEP 2014. There are a number of Heritage Items within proximity to the development. These include: Lyndoch Orchards, the Roman Catholic Cemetery, Meads Farm and Dwelling, Ambermere, Harp of Erin and Bonnie Blink.

The development is not expected to impact the heritage items given the surrounding vegetation and distances between the development and heritage items.

The heritage items are shown on the map below:



**Flora and Fauna:** Minimal clearing is required for the development. An ecological assessment was undertaken by the applicant and determined that the proposal would result in the clearing of up to 0.04 hectares of Southern Tableland Dry Sclerophyll Forest. This vegetation is not listed as a threatened ecological community. No threatened flora species, threatened fauna species or endangered populations are recorded in the area. The mitigation measures as that are outlined in the SEE would be implemented during construction.

**Social and Economic Impact:** There is currently no telecommunication facilities located in the vicinity of the proposed development. The development is expected to have a positive social and economic impact to the locality as it would provide a service that requires a high demand of consumer usage.

As the proposed development will be generally in keeping with the provisions of the planning instruments, it is expected to have a positive social and economic impact.

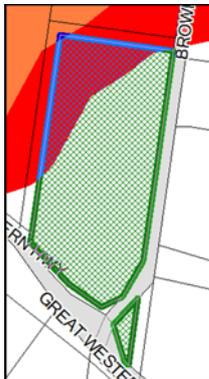
**Soils:** The proposed development will have no significant impact on soils. There is no reason to believe the site would be affected by acid sulphate soil or contamination problems.

**Water:** The proposed development has been assessed using the NorBE tool as required by the *State Environmental Planning Policy (Sydney Catchment Drinking Water) 2011* with a result of satisfied.

**Air and Microclimate:** There will be no significant impact on air or microclimate.

**Natural Hazards:** The property is located within a bushfire prone area. The vegetation around the development is proposed to remain to limit environmental impacts and preserve the scenic amenity. The facility is not expected to increase bushfire risk as it does not involve any hazardous materials, emit undue heat, sparks or open flame.

The bushfire map is shown below:



No further assessment is required as Council is satisfied that the development meets the Rural Fire Service requirements as the development is not for habitable purposes.

**Noise and Vibration:** Emissions associated with the facility would be limited to the construction phase. Noise generated would be for a short duration and is to be in accordance with the standards outlined in the Environmental Protection Regulation 1998 and Environmental Protection (Noise) Policy 1997. Construction works will only occur between the hours of 7.00am and 6.00pm.

There would be some low level noise from the ongoing operation of air conditioning equipment associated with the equipment shelter once it is installed. It is expected that the noise from the air conditioning equipment would be at a comparable level to a domestic air conditioning installation and would comply with the background noise levels prescribed by Australian Standards AS1055.

**Other Land Resources:** The development will not impact on the value of the land in terms of agricultural potential, mining etc. as it is only using part of the large allotment, with all waste and water will be properly managed. There are no known contamination or flora/fauna issues relating to the proposed development.

#### 5.3.7 The Suitability of the site for the development

The surrounding land uses are for rural residential pursuits. The proposal is compatible with the objectives of the zone and is considered to have acceptable impact on the surrounding amenity. Therefore, the site is considered to be suitable for the proposed development.

#### 5.3.8 Any submissions made in accordance with this Act or the Regulations

The proposal was sent to Roads and Maritime Services, Endeavour Energy, Council's Building Officer, and Engineers for commenting with recommendations detailed below. The proposal was also sent to surrounding landowners and placed on public display in Council's Administration Building for 19 days (excluding the Christmas closure period) and an additional 14 days, with 10 objections and 1 support submission received. These submissions are summarised below.

### **ROADS AND MARITIME SERVICES**

Reference is made to Council's letters dated 7 December 2017 and 12 December 2017, referring to DA317/16 to Roads and Maritime Services for concurrence.

The proposed development is for a telecommunications facility on land adjoining the intersection of the Great Western Highway and Browns Gap Road. All vehicle access to the site will be from Browns Gap Road. No vehicle access to the site is proposed from the Great Western Highway.

Pursuant to the *Lithgow Local Environmental Plan 2014*, Lot 2 DP 1069254 is zoned SP2 Infrastructure (Classified Road). The purpose of this zoning is to reserve land for a future upgrade to the Great Western Highway between Mount Victoria and Lithgow.

The proposed telecommunications facility is located in the northern corner of the subject land which is outside the footprint of the future highway upgrade project. Given the proposed facility is outside of the upgrade footprint, and, the limited opportunities in the locality to install the facility with maximum coverage, Roads and Maritime, pursuant to clause 100 of *State Environmental Planning Policy (Infrastructure) 2007*, grants its concurrence, subject to consent to the development being issued by Council and the following conditions being included as conditions of consent:

- All vehicular access to the site is to be from Browns Gap Road.
- The applicant acknowledges that the property to which the development consent applies is wholly within land that is reserved for the purposes of the Mount Victoria to Lithgow upgrade and appropriately zoned SP2 Infrastructure as shown in the *Lithgow Local Environmental Plan 2014 Land Zoning Map*. The consent is granted on the basis that the applicant is fully aware of this zoning and future land use changes.

- The applicant must not erect, or otherwise allow or permit to be erected, any permanent, substantial structure outside of the works specified in the development consent.

## **ENDEAVOUR ENERGY**

Reference is made to Council's letter of 7 December 2017 regarding Development Application DA317/17 at 2430 Great Western Highway, Little Hartley NSW 2790 (LOT 2 DP 1069254) for 'Telecommunications Facility'.

As shown in the site plans from Endeavour Energy's G/Net master facility model there is:

- No easement over the site benefitting Endeavour Energy (easements are indicated by red hatching).
- No electricity infrastructure to the road verges/roadways.

Please note the location, extent and type of any electricity infrastructure, boundaries etc. shown on the plan is indicative only. Generally (depending on the scale and/or features selected), low voltage (normally not exceeding 1,000 volts) is indicated by blue lines and high voltage (normally exceeding 1,000 volts but for Endeavour Energy's network not exceeding 132,000 volts / 132 kV) by red lines (these lines can appear as solid or dashed). This plan is not a 'Dial Before You Dig' plan under the provisions of Part 5E 'Protection of underground electricity power lines' of the *Electricity Supply Act 1995* (NSW).

Subject to the following recommendations and comments, Endeavour Energy has no objection to the Development Application.

### ***1. Network Capacity/Connection***

In due course the applicant for the future proposed development of the site will need to submit an application for connection of load via Endeavour Energy's Network Connections Branch to carry out the final load assessment and the method of supply will be determined. Given the size/nature of the proposed development, at present it is expected the existing local network would be able to service the proposed development, but an extension and/or augmentation of the existing network may be required ie. there is currently no low voltage electricity infrastructure in close proximity of the site. However this will not be determined for certain until the final load assessment is completed. Further details are available by contacting Endeavour Energy's Network Connections Branch via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm or on Endeavour Energy's website under 'Home > Residential and business > Connecting to our network' via the following link:

<http://www.endeavourenergy.com.au/>

Advice on the electricity infrastructure required to facilitate the proposed development can be obtained by submitting a Technical Review Request to Endeavour Energy's Network Connections Branch, the form for which FPJ6007 is attached and further details (including the applicable charges) are available from Endeavour Energy's website under 'Our connection services'. The response to these enquiries is based upon a desktop review of corporate information systems, and as such does not involve the engagement of various internal stakeholders in order to develop a

'Connection Offer'. It does provide details of preliminary connection requirements which can be considered by the applicant prior to lodging a formal application for connection of load.

Alternatively the applicant should engage an Accredited Service Provider (ASP) of an appropriate level and class of accreditation. The ASP scheme is administered by NSW Trade & Investment and details are available on their website via the following link or telephone 13 77 88:

<http://www.resourcesandenergy.nsw.gov.au/energy-supply-industry/pipelines-electricity-gas-networks/network-connections/contestable-works>

## ***2. Vegetation Management***

The planting of large trees in the vicinity of electricity infrastructure is not supported by Endeavour Energy. Suitable planting needs to be undertaken in proximity of electricity infrastructure. Only low growing shrubs not exceeding 3.0 metres in height, ground covers and smaller shrubs, with non-invasive root systems are the best plants to use. Larger trees should be planted well away from electricity infrastructure (at least the same distance from overhead power lines as their potential full grown height) and even with underground cables, be installed with a root barrier around the root ball of the plant. Landscaping that interferes with electricity infrastructure may become a potential safety risk, cause of bush fire, restrict access or result in the interruption of supply. Such landscaping may be subject to Endeavour Energy's Vegetation Management program and/or the provisions of the *Electricity Supply Act 1995* (NSW) Section 48 'Interference with electricity works by trees' by which under certain circumstances the cost of carrying out such work may be recovered.

## ***3. Dial before You Dig***

Before commencing any underground activity the applicant is required to obtain advice from the ***Dial before You Dig 1100*** service in accordance with the requirements of the *Electricity Supply Act 1995* (NSW) and associated Regulations. This should be obtained by the applicant not only to identify the location of any underground electrical and other utility infrastructure across the site, but also to identify them as a hazard and to properly assess the risk.

## ***4. Public Safety***

Workers involved in work near electricity infrastructure run the risk of receiving an electric shock and causing substantial damage to plant and equipment. Endeavour Energy's public safety training resources, which were developed to help general public/workers to understand why you may be at risk and what you can do to work safely are available via Endeavour Energy's website via the following link:

<http://www.endeavourenergy.com.au/wps/wcm/connect/ee/nsw/nsw+homepage/communitynav/safety/safety+brochures>

## ***5. Emergency Contact***

In case of an emergency relating to Endeavour Energy's electrical network, the applicant should note the Emergencies Telephone is 131 003 which can be contacted 24 hours/7 days.

**COUNCIL'S BUILDING OFFICER**

Reference is made to the development application in regard to Council's Planners referral dated 7 December 2017.

There is no objection to the proposal given the following conditions of consent:

### **General Requirements**

1. The development shall take place in accordance with the approved development plans containing Council's approved development stamp and all associated documentation submitted with the application, except as modified in red by Council and/or any conditions of this consent.
2. The structures shall be located wholly within the confines of the property boundary and in accordance with approved site plan.
3. Alterations to the natural surface contours and control of surface water must not impede or divert natural surface water runoff, so as to cause a nuisance to adjoining property owners or cause erosion with runoff of sediment into surrounding waterways.
4. Any cut and fill areas are to be retained/stabilised to Council's satisfaction as soon as possible after excavation works and prior to the issue of the Occupation Certification.

### **Requirements Prior to Commencement of Work**

5. Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 are to be complied with:
  - a) a Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act, and
  - b) a Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act and Form 7 of the Regulations, and
  - c) Council is to be notified at least two days prior of the intention to commence building works, in accordance with Section 81A(2)(c) of the Act in Form 7 of Schedule 1 of the Regulations.

### ***Sedimentation controls***

6. To contain soil and sediment on the property, controls are to be implemented prior to clearing of the site vegetation and the commencement of site works. This will include:
  - a) The installation of a sediment fence with returned ends across the low side of the site so that all water flows through. These shall be maintained at no less than 70% capacity at all times. Drains, gutters, roadways etc., shall be kept clean and free of sediment.
  - b) To prevent the movement of soil off site, a single entry/exit point to the property shall be constructed of 40mm blue metal aggregate or recycled concrete to a depth of 150mm. The length must be at least 5 metres with the width at least 3 metres. Soil erosion fences shall remain and must be maintained until all disturbed areas are restored by turfing, paving, revegetation.

### ***Dust minimization measures***

7. Measures shall be implemented to minimise wind erosion and dust nuisance in accordance with the requirements of the manual – “Soils and Construction” (2004) (Bluebook).

### ***Signage***

8. Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:

- a. Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person can be contacted outside working hours.
- b. Stating that unauthorised entry to the work site is prohibited and
- c. Showing the name, address and telephone number of the principle certifying authority for the work.

The sign/s are to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

### **Requirements during construction**

#### ***Workers toilet facilities***

9. Before work starts, toilet facilities must be provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

#### ***Waste disposal***

10. Prior to any building works commencing a suitable Waste Container for the deposit of all building rubbish and litter must be provided and emptied as soon as full at a waste management facility. Building rubbish and litter must be contained on the building site and the work site left clear of waste and debris at the completion of the works.

#### ***Construction hours***

11. All work on site shall only occur between the following hours:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday and public holidays	No work

#### ***Excavations***

12. All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.

If an excavation associated with the approved works extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- Must preserve and protect the building from damage; and
- If necessary, must underpin and support the building in an approved manner, and footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

### **Prior to the issue of an Occupation Certificate**

#### ***Occupation Certificate***

13. Prior to the use/occupation of the structure an Occupation Certificate must be issued by the Principal Certifying Authority.

### **Advisory Notes**

#### ***Building Code of Australia***

AN1. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

#### ***Building Inspection schedule***

AN2. To ensure structural integrity, the maintenance of minimum health standards, the management of the buildings surrounds and the protection of the environment, compliance certificates are to be issued at significant stages throughout the construction period. These stages are:

- a) Pier holes/pad footings before filling with concrete.
- b) Reinforcing steel in position and before concrete is poured (slab, footings, lintels, beams, columns, floors, walls and the like).
- c) Completion of the development and sign off to all conditions of the consent including landscaping, prior to occupation and use.

### **Requirements prior to Occupation**

AN3. Prior to the use/occupation of the structures an Occupation Certificate must be issued by the Principal Certifying Authority.

#### ***Snow load***

AN4. The property is located in a high wind area and is subject to snow (elevation approximately 820m). The structures shall be designed and certified for the relevant site specific wind and ground snow load.

#### ***Stormwater disposal from equipment shelter***

AN5. That the rainwater drains from the equipment shelter are connected to a water storage tank which shall be located in a position that will not create a nuisance to the building or adjoining properties.

Note: Overflow pipes are to be discharged into approved drains to 600 mm wide x 600 mm deep dispersal pits, having an aggregate length of 2 metres per downpipe and be located not less than 4 metres from any building or site boundary. The pits are to be located so as to ensure that the stormwater is dispersed clear of any building and should not create a nuisance to adjoining properties or cause erosion with runoff of sediment into surrounding waterways.

**COUNCIL'S ENGINEERS**

Reference is made to the Development Application in regard to Council's Planner's referral dated 7 December 2017 and provide the following comments:

1. The proposed access driveway off Browns Gap Road is to provide a minimum entry splay of 6.0 metres in width, tapering back into a minimum 4.0 metre wide internal access road. The access driveway shall have a minimum of 150mm of DGB-20 road base applied and compacted providing a smooth transitional surface, and is to be (2) two-coat bitumen sealed (14/7mm pre-coated aggregate) from the edge of Browns Gap Road to the Property boundary or alternatively concreted.
2. To provide suitable storage capacity for the largest class of vehicle accessing the subject land, any gate, grid or similar structure installed in the access is to be setback appropriately (10 metres for single articulated) from the edge of Browns Gap Road.
3. The access driveway shall have a minimum 105m sight distance in the North Easterly direction, and a minimum of 60m sight distance in the South Westerly direction, along the intersecting public road.
4. A fully certified traffic control plan and road works signage will be required where machinery may obstruct traffic on Browns Gap Road whilst construction work is being undertaken. A traffic control plan and certification of fully qualified contractors/persons will be required to be submitted to Council prior to any work commencing on Browns Gap Road. Failure to comply may result in Work Cover intervention and may also include Stop Work orders from Council until such time the developer complies with suitable traffic management procedures.
5. Effective erosion and sediment controls shall be installed prior to any construction activity including dwelling site access. The controls must prevent sediment entering drainage depressions and watercourses, and shall be regularly maintained and retained until works have been completed and groundcover established.

## **PUBLIC SUBMISSIONS**

### **Objections**

#### ***1. Visual Impact***

- The tower will have visual impacts due to the proposed height and location of the tower being at the entrance to the Lithgow Local Government area. This could also detract tourism to the area.
- The climb ladder and fall arrest would also increase the visibility of the structure, both above and below any remaining nearby trees.
- Due to the RMS road upgrades, the tower would be located next to the Highway in full view of traffic as the vegetation screening would be removed. This would be a distraction to drivers and lead to accidents.
- The tower would be viewed from Hassan's Walls Lookout and visible above the skyline from all directions as the height is greater than the surrounding vegetation. The infrastructure is proposed to be painted green will have an impact to the backdrop of the surrounding area. The SEE should be amended to include the colour pallet for "pale eucalyptus".

- The tower and associated infrastructure would also be viewed from ground level due to limited vegetation cover. The cabinets and fencing have a maximum height of 2.4m. The “metallic grey” colour does not blend with the surrounding bushland, same as the chain wire. This would increase the bulk of the entire facility at ground level.
- Two building envelopes on vacant properties would be located within 40m of the base of the tower and four building envelopes within 100m from the tower. These building envelopes were approved by Council on the adjoining lots as per a previous subdivision approval. Developed properties are approximately 150m away from the tower. The SEE should be amended to address these building envelopes and potential impacts from the tower.

## ***2. Heritage***

- The tower would not suit the surrounding historic (8 properties identified along the highway as containing historical items) and farming properties. Although the property is not located within the heritage conservation area, it is within proximity to heritage items and would impact due to the scale and size of the development. The objectives of Clause 5.10 under Council’s LEP 2014 should be addressed in more detail. It is recommended that a heritage management study be undertaken for the development in consultation with the Heritage Report exhibited with Council’s LEP 2014.

## ***3. Property Prices & Future Development***

- The tower would devalue surrounding properties and may attract the area to large industrial businesses.

## ***4. Maintenance costs to rate payers***

- Rate payers cost for future maintenance and service of the NBN structure in regard to technological issues.

## ***5. Demand for nbn™ in Hartley***

- The facility is not required in the area as other service providers satisfactorily service properties in the area.
- The wireless component of the tower would only service 550 homes while other homes in the area would be serviced by an existing telecommunication infrastructure.

## ***6. Planning Permissibility and location***

- The tower is proposed to be located within the SP2 zone under Council’s Local Environmental Plan 2014; therefore the provisions must not impede the roadworks that the land is zoned for.
- The Statement of Environmental Effects should go into more detail alternative locations and co-location with the tower at Mt Victoria given proximity of the tower to the Hartley Valley. More details should be submitted in regard to the issue of distance and technical reasons of co-location. It is recommended that substantiated evidence is provided that co-location is not possible. An alternate location could include the Hartley Rural Fire Shed on Mid-Hartley Road. Other locations besides heritage sites should be investigated and where there is more vegetation cover at ground level.

- The development is not permissible under the SP2 zone under Council's Local Environmental Plan 2014 as the proposed tower is not identified as being ordinarily incidental or ancillary to development for that purpose as a roads and traffic facility. The Statement of Environmental Effects is to provide more detail in regard to zoning permissibility.
- The SEE does not give a clear indication of the number of dwellings nearby, approved sites for dwelling as in the R5 zone nor the additional uses and dwellings that may be approved under the zone.
- The SEE should be amended to address and consider the proposed extensions to the Highway.

### ***7. Biodiversity***

- Assurance that if the development is approved then the recommended safeguards and management measures listed within the SEE to minimise potential impacts on biodiversity is adhered to.
- The SEE states that 35 trees over a 200m diameter are proposed to be removed. Therefore this would reduce screening to the tower. If dwellings on adjoining lots were required to undertake clearing then there would be no screening between the proposed building envelopes and the tower.
- A diagram of a more accurate tree height against the proposed development should be submitted to show the difference in height.

### ***8. Construction***

- The method of construction is to be detailed within the SEE. Given the size of the area to be utilised, vegetation would be required to be removed for the construction of the tower. The construction of the tower would also have traffic impacts.

### ***9. Impact on the nearby Airstrip***

- The SEE states that there are no airports within 30km of the subject site. The Lithgow Hospital is 10km northwest of the site, Medlow Bath airfield is 16km south east, Little Hartley airstrip (that has operated commercially and bushfire helicopters) is less than a kilometre away from the site, Clarence airfield has operated for emergency's is 9km away and Thales has a helipad on their firing range which is 10km northwest of the site. While the location of the monopole may not be a particular issue for aircrafts, given the number of landing places in the area it would likely need a warning light attached to the top and possibly bright coloured surfaces which would make it visible in the night as well as the day. This should be reconsidered and outlined within the SEE.

### ***10. Health Concerns Relating to EME***

- It is noted that the proximity of the residences has been miscalculated by the applicant. The Electromagnetic energy (EME) levels need to be either recalculated or provide clarification as to how this would not change the result.

## **Support**

1. The internet is a vital part of daily life for most people, providing social communications, the ability to interact with government and to transact business. The Hartley Valley is not served by a direct TV transmission tower, only by a more expensive and less convenient TV service. The existing ADSL service in Hartley is limited due to the copper cable lengths limit speeds, congestion at peak times due to only one service being available, new residents in the area would be required to be connected to the NBN roll out service rather than connecting to the existing Telstra service.

2. While it might be preferred that the NBN was delivered by underground cable or fibre-optic, this is not feasible in a relatively sparsely populated semi-rural area such as Hartley.

3. The location of the tower will mainly be visible from the Highway but the location is not a particularly sensitive area for example it is not located at Hyde Park or within the Hartley Historic Village.

### **Applicant's Response:**

#### **1. Visual Impact**

*The siting of the proposed monopole on the subject property is considered appropriate given the context of the area and would not detract from the experience of entering Lithgow LGA. The proposed facility will be viewed within the highly modified road corridor which includes earthworks associated with the widening of the Great Western Highway, advertising signage and electrical infrastructure. It would be painted in non-reflective, "pale Eucalypt" colour to blend in with surrounding vegetation and would be screened by mature vegetation of up to 25m in height. The proposed facility and ancillary features are slim and will form a normal part of the vertical elements in the road corridor landscape including electrical poles and vegetation and is thus would not pose a distraction to passing motorists.*

#### **2. Heritage**

*The proposed facility has been located on a large allotment which allows for significant separation from immediate residential dwellings, including the Heritage listed items Meads Farm and Hartley Valley Teahouse. The development is located more than 200 metres from Mead's farm (east) and will largely be unseen from this location due to tree screening and the topography of the area. The proposed development is wholly consistent with the objectives of Clause 5.10 under Council's LEP 2014 and would not impact on heritage conservation efforts within the Lithgow LGA. A request for a heritage management study would be unreasonable given the SEE clearly demonstrates that there will be no adverse impact on heritage as a result of the proposal.*

#### **3. Property Prices & Future Development**

*The proposed facility will be significantly screened by vegetation and the topography of the landscape from residential development to the north, south, east and west. While it is commonly assumed that telecommunications infrastructure is potentially damaging to property prices, academic studies have argued there is no empirical evidence to suggest that the proximity of houses to a telecommunications monopoles or low impact facilities will result in an impact on property values (Filippova & Rehm 2011). To the contrary it is suggested that in today's society as the world continues to globalise, there is a strong argument to be made that access to high speed wireless broadband is considered something actively sought by home buyers and investors. The*

*proposed development will greatly improve internet access to those within the Little Hartley locality and as such will support the locality both economically and socially.*

*The proposal will be wholly contained within a single lot which is zoned for infrastructure purposes. All land located in the vicinity and beyond the Greater Western Highway to the east and south will be unaffected by the development and continue to be utilised for their permitted purposes. There is no link between industrial development and telecommunications facilities and future industrial development within the locality would be subject to rezoning land as current zones would not facilitate such development.*

#### **4. Maintenance costs to rate payers**

*As nbn™ is a Federal Government investment the proposed facility would result in no cost to local rate-payers within Lithgow LGA. Additionally, Council would receive S94A contributions as a result of the proposal to contribute to local infrastructure investment.*

#### **5. Demand for nbn™ in Hartley**

*The nbn Fixed Wireless facility is designed to offer download speeds of up to 50Mbps and would enable optimal internet performance to surrounding residents and businesses in Little Hartley, Hartley, Hartley Vale, Kanimbla, Good Forest, and South Bowenfels. A preference to retain current internet service levels rather than install new optimised infrastructure is not reduced by the presence of the facility, rather it offers an additional product to residents in the area. nbn™ respectfully submits that the majority of the community would prefer access to fast internet and new technologies. The nbn is provided Australia wide in 3 forms: Fibre, fixed wireless and satellite. Where nbn access via the Little Hartley site is not available it will be provided by alternative means.*

#### **6. Planning Permissibility and location**

*A number of factors are taken into consideration when identifying a suitable location for nbn fixed wireless facilities, including construction cost, line of sight to the upstream facility, tenure availability, planning controls, access to power and the ultimately the capability of a facility at the site to service the surrounding community. The location of the proposed facility has been the subject of a rigorous and lengthy process of elimination and best achieves all the requirements whilst providing the best service to the surrounding users. Co-location with the tower at Mount Victoria would not be suitable as it would cause severe coverage loss and drastically reduce the total number of premises covered below the level considered acceptable to justify deployment of a Fixed Wireless site in this location.*

*The proposal is consistent with zoning objectives and the RMS have confirmed that the facility will not impede future expansion of the Great Western Highway. Permissibility is obtained under Clause 115(1) of the SEPP (Infrastructure) 2007 which permits telecommunications development on any land, with consent. LEP permissibility is not required. The proposed location would not impact the ability of future potential land uses to be undertaken within the R5 Large Lot Residential Zone.*

#### **7. Biodiversity**

*Some clearing of vegetation is required to facilitate the proposal. As a result, an ecological assessment was undertaken to ensure due diligence regarding flora and fauna. The ecological assessment reviewed and assessed the ecological attributes of the study area and potential impacts of the proposal. The assessment determined that*

*the proposal would result in the clearing of up to 0.04 hectares of Southern Tableland Dry Sclerophyll Forest. This vegetation is not consistent with threatened ecological communities listed under the BC Act or EPBC Act. No threatened flora species, threatened fauna species or endangered populations were recorded within the study area during site investigations. All recommended safeguards and mitigation measures as outlined in the ecology report and SEE would be implemented during construction. Clearing of trees would not result in a reduction in screening to the site. The telecommunications facility would be screened by vegetation located to the north and east beyond the compound area.*

## **8. Construction**

*The method of construction as outlined in the SEE would include the following activities:*

- *Stage 1 (Week 1) – Site preparation works, including field testing, excavation and construction of foundations;*
- *Stage 2 (Weeks 2, 3 and 4) – Construction of the monopole;*
- *Stage 3 (Weeks 5 and 6) – Construction of the equipment shelter and fences;*
- *Stage 4 (Weeks 7 – 10) – Installation of antennas and radio equipment, as well as equipment testing.*

*A total construction period of approximately ten weeks (including Civil works and network integration and equipment commissioning) is anticipated. A truck will be used to deliver the equipment and a crane will be utilised to lift most of the equipment into place. Any traffic impacts associated with construction will be of a short-term duration and are not anticipated to adversely impact on the surrounding road network. No traffic impacts will result from the proposal. Open space on the adjoining lot provides adequate space to ensure all works can generally be contained within confines of private property. Conditions of consent implemented by Council can appropriately address any concerns relating to traffic management or plans of construction.*

## **9. Impact on the nearby Airstrip**

*During scoping and design of the proposed facility relevant searches for Obstacle Limitation Surface mapping were made. The proposed development does not penetrate any obstacle limitation surface shown on any relevant Obstacle Limitation Surface Plan that has been prepared by the operator of an aerodrome or airport operating within 30 kilometers of the site and therefore is considered to be adequately sited in this regard.*

*Comment from CASA has been sought. Nbn are willing to adopt any requirements recommended to ensure that impact on airspace operations is minimized.*

## **10. Health Concerns Relating to EME**

*nbn™ acknowledges some people are genuinely concerned about possible health effects from EME emissions from telecommunications facilities and are committed to addressing these concerns responsibly. We rely upon the expert advice of national and international health authorities such as Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) and the World Health Organisation (WHO) for overall assessments of health and safety impacts.*

*nbn™ ensure that their telecommunications facilities are designed and operated so that people are not exposed to above international guideline levels (International*

*Commission on Non-Ionising Radiation Protection (ICNIRP) and national standards (Australian Radio Protection and Nuclear Safety Authority (ARPANSA)).*

*Australia's radiofrequency (RF) exposure limits, the ARPANSA Standard 2002, are derived from the guidelines of the ICNIRP, the independent scientific body that advises the World Health Organization (WHO). The ARPANSA Standard is one of the most comprehensive and up-to-date RF exposure standards in the world, and is based on thorough scientific research into RF signals and exposure.*

*The proposed facility at Little Hartley will be compliant by a substantial margin. The proposed EME levels are outlined in the ARPANSA EME Report within the subject Development Application and are 1,639 times below the allowable public exposure limits. Additionally, it is worth noting that this report has been modelled on maximum power levels, while in practice the transmitter will often be much lower than this. EME level calculations at residents in the report are accurate.*

**Council Officer's Comment:**

***1. Visual Impact***

It is considered that the applicant's statement may downplay or understate the visual impacts of the tower. Adjacent trees and power poles are approximately 25m high in which this tower will be more visible to the surrounding area.

For residents in Apple Tree Lane, the tower may slightly interrupt views to the Mount York escarpment. The same will be the case for travellers on the Great Western Highway. The applicant has indicated that the tower will be painted in a 'pale eucalypt' colour. Council recommends that a darker colour would be more suited to match with the surrounding landscape and backdrop of the sky and mountains to reduce the impact further. Similar towers have been placed within the Local Government Area with minimal impact to the visual landscapes subject to appropriate colour selections.

Whilst the pole and antennas will create a minor visual impact (being only one tower) it will not impeded on visitors or residents being able to view the landscape and appreciate the escarpments and rural views of the area. It is considered that the social and economic impacts outweigh the physical impacts which in this instance is considered to be within acceptable limits. It does not significantly change the views or character of the area, in which some argue wind turbines do, and this development is for one tower at the bottom of a valley and not on a ridgeline. The visual impacts against various surrounding distant escarpments and cliff faces principally within the Blue Mountains are expected to be minimal as the development will only draw the eye when within proximity.

However, despite acknowledging the impact, the refusal of the application on this basis cannot be supported. A monopole is a reasonably narrow structure and is preferable to a lattice structure.

The following conditions would be included on the consent if approved:

*The colour of the monopole is to be painted in a dark colour like "Jasper" or equivalent. Colour schemes are to be submitted to Council for approval prior to construction work.*

***2. Heritage***

The property is not heritage listed under Council's LEP 2014. There are a number of Heritage Items within proximity to the development. These include: Lyndoch Orchards, the Roman Catholic Cemetery, Meads Farm and Dwelling, Ambermere, Harp of Erin and Bonnie Blink.

The development is not expected to impact the heritage items given the surrounding vegetation and distances between the development and heritage items being over 200m from each other. Therefore there is no need for a heritage management report to be undertaken.

### ***3. Property Prices & Future Development***

It is unknown whether the development would impact on property prices and is not a matter for consideration by Council.

### ***4. Maintenance costs to rate payers***

It is proposed that there will be no cost to local rate payers as nbn is a Federal Government investment.

### ***5. Demand for nbn™ in Hartley***

It is acknowledged that there are other network services in the area that are able to service some of the residents in the Hartley area. The proposed nbn Fixed Wireless facility is designed to offer download speeds of up to 50Mbps. This would be able to provide a higher optimal internet performance and an additional product to the area and surrounds.

### ***6. Planning Permissibility and location***

The RMS has prepared plans for the Mount Victoria to Lithgow upgrade. The proposed facility is outside of the road works footprint and the RMS has determined the tower to not interfere with or compromise the Highway upgrade project.

Permissibility is obtained under Clause 115(1) of the SEPP (Infrastructure) 2007 which permits telecommunications development on any land, with consent.

The property is located within the land acquisition area with the acquisition authority being the Roads and Maritime Services (RMS). Council's LEP 2014 states that development consent is required from the RMS to utilise the land reserved to be included in the Highway upgrade works. As such concurrence from the RMS has been obtained.

### ***7. Biodiversity***

Minimal clearing is required for the development. An ecological assessment was undertaken by the applicant and determined that the proposal would result in the clearing of up to 0.04 hectares of Southern Tableland Dry Sclerophyll Forest. This vegetation is not listed as a threatened ecological community. No threatened flora species, threatened fauna species or endangered populations are recorded in the area. The mitigation measures as that are outlined in the SEE would be implemented during construction, if approved.

### ***7. Construction***

The applicant has stated that the construction period will be approximately ten weeks. A truck will be used to deliver the equipment with a crane will be utilised to lift most

of the equipment into place. Traffic impacts associated with construction will be minimal and of a short-term duration. There is sufficient space on the property for vehicles and equipment to utilise during the construction period. A condition would be placed on the consent if approved stating that a fully certified traffic control plan and road works signage will be required where machinery may obstruct traffic on Browns Gap Road during construction.

#### ***9. Impact on the nearby Airstrip***

The development is located on a large allotment and surrounded by large vegetation. It is considered that the development would have minimal impacts to any potential airstrips in the vicinity

#### ***10. Health Concerns Relating to EME***

Council is satisfied that the tower complies with the Australian standards, and that there would be minimal health impacts.

#### **5.3.9 The public interest**

There have been no issues raised from the public regarding planning issues.

## **6. DISCUSSION AND CONCLUSIONS**

The proposal is considered to generally comply with the relevant provisions of the applicable Environmental Planning Instruments. The proposal is not considered likely to have any significant negative impacts upon the environment or upon the amenity of the locality. As such it is recommended that development consent is issued subject to the conditions outlined below.

## **7. ATTACHMENTS**

Schedule A- Conditions of consent.

## **8. RECOMMENDATION**

**THAT** development application DA 317/17 is approved subject to conditions set out in Schedule A.

Report prepared by:

Supervisor:

Signed:.....

Signed:.....

Dated:.....

Dated:.....

**REASONS FOR CONDITIONS**

The conditions in Schedule A have been imposed for the following reasons:

- To ensure compliance with the terms of the relevant Planning Instruments
- To ensure no injury is caused to the existing and likely future amenity of the neighbourhood
- Due to the circumstances of the case and the public interest.
- To ensure that adequate road and drainage works are provided.
- To ensure access, parking and loading arrangements will be made to satisfy the demands created by the development.
- To ensure the structural integrity of the development.
- To ensure the protection of the health and safety of the occupants of the development.
- To protect the environment.
- To prevent, minimise, and/or offset adverse environmental impacts.
- To ensure lots are adequately serviced.
- To ensure there is no unacceptable impact on the water quality.
- To ensure compliance with the requirements of the Rural Fire Services.
- To ensure adequate soil conservation and protect against movement of soil and sediments.

## Schedule A

### Conditions of Consent (Consent Authority)

**Please Note:** It should be understood that this consent in no way relieves the owner or applicant from any obligation under any covenant affecting the land.

#### ADMINISTRATIVE CONDITIONS

1. That the development be carried out in accordance with the application, Statement of Environmental Effects, accompanying information, plans listed in the approval and any further information provided during the process unless otherwise amended by the following conditions.
2. The structures shall be located wholly within the confines of the property boundary and in accordance with approved site plan.
3. Alterations to the natural surface contours and control of surface water must not impede or divert natural surface water runoff, so as to cause a nuisance to adjoining property owners or cause erosion with runoff of sediment into surrounding waterways.
4. Fill material used must be virgin excavated natural material within the meaning of the Protection of Environmental Operations Act 1997 (POEO) or any other waste- derived material the subject of a resource recovery exemption under cl.51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material.  
Note: Any waste-derived material the subject of resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority.
5. That minimal disturbance is caused to the site during construction works and any disturbed areas including embankments are to be generally made good and revegetated in accordance with the approved landscaping plan, prior to the issue of the Occupation Certificate. Any excavated and filled areas are graded and drained and all constructed batters are to be topsoiled, and turfed. Batters exceeding a ratio of 3 horizontal to 1 vertical must be retained with retaining walls, stoneflagging or terracing prior to occupation. **(Note retaining walls outside the scope of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and over 600mm in height require Development Consent).**
6. Any cut and fill areas are to be retained/stabilised to Council's satisfaction as soon as possible after excavation works and prior to the issue of the Occupation Certification.
7. The colour of the monopole is to be painted in a dark colour like 'jasper' or equivalent. Colour schemes are to be submitted to Council for approval prior to construction work.

#### **Roads and Maritime (RMS) Conditions**

8. All vehicular access to the site is to be from Browns Gap Road.
9. The applicant acknowledges that the property to which the development consent applies is wholly within land that is reserved for the purposes of the Mount Victoria to Lithgow upgrade and appropriately zoned SP2 Infrastructure as shown in the *Lithgow Local Environmental Plan 2014 Land Zoning Map*. The consent is granted on the basis that the applicant is fully aware of this zoning and future land use changes.

10. The applicant must not erect, or otherwise allow or permit to be erected, any permanent, substantial structure outside of the works specified in the development consent.

## **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

### ***Section 94***

11. Prior to the issue of a Construction Certificate the applicant shall pay to Council a Section 94A contribution of \$1,000.00, in accordance with the Lithgow City Council Section 94A Development Contribution Plan 2015. It is advised that the level of contribution in this plan may be adjusted at the time of actual payment, in accordance with the provisions of the Lithgow City Council Section 94A Development Contribution Plan 2015.

## **PRIOR TO COMMENCEMENT OF WORK**

12. A construction certificate is required prior to the commencement of any site or building works. This certificate can be issued either by Council as the consent authority or by an accredited certifier.
13. Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 are to be complied with:
  - a) a Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act, and
  - b) a Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act and Form 7 of the Regulations, and
  - c) Council is to be notified at least two days prior of the intention to commence building works, in accordance with Section 81A(2)(c) of the Act in Form 7 of Schedule 1 of the Regulations.

### ***Sedimentation controls***

14. To contain soil and sediment on the property, controls are to be implemented prior to clearing of the site vegetation and the commencement of site works. This will include:
  - a) The installation of a sediment fence with returned ends across the low side of the site so that all water flows through. These shall be maintained at no less than 70% capacity at all times. Drains, gutters, roadways etc., shall be kept clean and free of sediment.
  - b) To prevent the movement of soil off site, a single entry/exit point to the property shall be constructed of 40mm blue metal aggregate or recycled concrete to a depth of 150mm. The length must be at least 5 metres with the width at least 3 metres.

Soil erosion fences shall remain and must be maintained until all disturbed areas are restored by turfing, paving, revegetation.

### ***Dust minimisation measures***

15. Measures shall be implemented to minimise wind erosion and dust nuisance in accordance with the requirements of the manual – “Soils and Construction” (2004) (Bluebook).

### ***Signage***

16. Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:
  - Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person can be contacted outside working hours.
  - Stating that unauthorised entry to the work site is prohibited and
  - Showing the name, address and telephone number of the principle certifying authority for the work.

- The sign/s are to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

## **REQUIREMENTS DURING CONSTRUCTION**

### ***Workers toilet facilities***

17. Before work starts, toilet facilities must be provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

### ***Waste disposal***

18. Prior to any building works commencing a suitable Waste Container for the deposit of all building rubbish and litter must be provided and emptied as soon as full at a waste management facility. Building rubbish and litter must be contained on the building site and the work site left clear of waste and debris at the completion of the works.

### ***Construction hours***

19. All work on site shall only occur between the following hours:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday and public holidays	No work

### **Excavations**

20. All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

## **PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE**

### ***Occupation Certificate***

21. Prior to the use/occupation of the structure an Occupation Certificate must be issued by the Principal Certifying Authority.

### ***Engineering Requirements***

22. The proposed access driveway off Browns Gap Road is to provide a minimum entry splay of 6.0 metres in width, tapering back into a minimum 4.0 metre wide internal access road. The access driveway shall have a minimum of 150mm of DGB-20 road base applied and compacted providing a smooth transitional surface, and is to be (2) two-coat bitumen sealed (14/7mm pre-coated aggregate) from the edge of Browns Gap Road to the Property boundary or alternatively concreted.
23. To provide suitable storage capacity for the largest class of vehicle accessing the subject land, any gate, grid or similar structure installed in the access is to be setback appropriately (10 metres for single articulated) from the edge of Browns Gap Road.
24. The access driveway shall have a minimum 105m sight distance in the North Easterly direction, and a minimum of 60m sight distance in the South Westerly direction, along the intersecting public road.
25. A fully certified traffic control plan and road works signage will be required where machinery may obstruct traffic on Browns Gap Road whilst construction work is being undertaken. A traffic control plan and certification of fully qualified contractors/persons will be required to be submitted to

Council prior to any work commencing on Browns Gap Road. Failure to comply may result in Work Cover intervention and may also include Stop Work orders from Council until such time the developer complies with suitable traffic management procedures.

26. Effective erosion and sediment controls shall be installed prior to any construction activity including dwelling site access. The controls must prevent sediment entering drainage depressions and watercourses, and shall be regularly maintained and retained until works have been completed and groundcover established.

## **ADVISORY NOTES**

### ***Building Code of Australia Compliance***

- AN1. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

### ***Building Inspection schedule***

- AN2. To ensure structural integrity, the maintenance of minimum health standards, the management of the buildings surrounds and the protection of the environment, compliance certificates are to be issued at significant stages throughout the construction period. These stages are:
- a) Pier holes/pad footings before filling with concrete.
  - b) Reinforcing steel in position and before concrete is poured (slab, footings, lintels, beams, columns, floors, walls and the like).
  - c) Framing when external wall and roof cladding is in place and prior to internal linings.
  - d) Stormwater drainage between building and discharge point (drainage pipes, soakage pits and the like) prior to covering.
  - e) Completion of the development and sign off to all conditions of the consent including landscaping, prior to occupation and use.

### ***Snow load***

- AN3. The property is located in a high wind area and is subject to snow (elevation approximately 820m). The structures shall be designed and certified for the relevant site specific wind and ground snow load.

### ***Stormwater disposal from equipment shelter***

- AN4. That the rainwater drains from the equipment shelter are connected to a water storage tank which shall be located in a position that will not create a nuisance to the building or adjoining properties.

Note: Overflow pipes are to be discharged into approved drains to 600 mm wide x 600 mm deep dispersal pits, having an aggregate length of 2 metres per downpipe and be located not less than 4 metres from any building or site boundary. The pits are to be located so as to ensure that the stormwater is dispersed clear of any building and should not create a nuisance to adjoining properties or cause erosion with runoff of sediment into surrounding waterways.

### ***Requirements prior to Occupation***

- AN5. Prior to the use/occupation of the structures an Occupation Certificate must be issued by the Principal Certifying Authority.

## **ENDEAVOUR ENERGY REQUIREMENTS**

### ***Network Capacity/Connection***

AN6. In due course the applicant for the future proposed development of the site will need to submit an application for connection of load via Endeavour Energy's Network Connections Branch to carry out the final load assessment and the method of supply will be determined. Given the size/nature of the proposed development, at present it is expected the existing local network would be able to service the proposed development, but an extension and/or augmentation of the existing network may be required ie. there is currently no low voltage electricity infrastructure in close proximity of the site. However this will not be determined for certain until the final load assessment is completed. Further details are available by contacting Endeavour Energy's Network Connections Branch via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm or on Endeavour Energy's website under 'Home > Residential and business > Connecting to our network' via the following link:

<http://www.endeavourenergy.com.au/>

Advice on the electricity infrastructure required to facilitate the proposed development can be obtained by submitting a Technical Review Request to Endeavour Energy's Network Connections Branch, the form for which FPJ6007 is attached and further details (including the applicable charges) are available from Endeavour Energy's website under 'Our connection services'. The response to these enquiries is based upon a desktop review of corporate information systems, and as such does not involve the engagement of various internal stakeholders in order to develop a 'Connection Offer'. It does provide details of preliminary connection requirements which can be considered by the applicant prior to lodging a formal application for connection of load.

Alternatively the applicant should engage an Accredited Service Provider (ASP) of an appropriate level and class of accreditation. The ASP scheme is administered by NSW Trade & Investment and details are available on their website via the following link or telephone 13 77 88:

<http://www.resourcesandenergy.nsw.gov.au/energy-supply-industry/pipelines-electricity-gas-networks/network-connections/contestable-works>

### ***Vegetation Management***

AN7. The planting of large trees in the vicinity of electricity infrastructure is not supported by Endeavour Energy. Suitable planting needs to be undertaken in proximity of electricity infrastructure. Only low growing shrubs not exceeding 3.0 metres in height, ground covers and smaller shrubs, with non-invasive root systems are the best plants to use. Larger trees should be planted well away from electricity infrastructure (at least the same distance from overhead power lines as their potential full grown height) and even with underground cables, be installed with a root barrier around the root ball of the plant. Landscaping that interferes with electricity infrastructure may become a potential safety risk, cause of bush fire, restrict access or result in the interruption of supply. Such landscaping may be subject to Endeavour Energy's Vegetation Management program and/or the provisions of the *Electricity Supply Act 1995* (NSW) Section 48 'Interference with electricity works by trees' by which under certain circumstances the cost of carrying out such work may be recovered.

### ***Dial before You Dig***

AN8. Before commencing any underground activity the applicant is required to obtain advice from the ***Dial before You Dig 1100*** service in accordance with the requirements of the *Electricity Supply Act 1995* (NSW) and associated Regulations. This should be obtained by the applicant not only to identify the location of any underground electrical and other utility infrastructure across the site, but also to identify them as a hazard and to properly assess the risk.

### ***Public Safety***

AN9. Workers involved in work near electricity infrastructure run the risk of receiving an electric shock and causing substantial damage to plant and equipment. Endeavour Energy's public safety training

resources, which were developed to help general public/workers to understand why you may be at risk and what you can do to work safely are available via Endeavour Energy's website via the following link:

<http://www.endeavourenergy.com.au/wps/wcm/connect/ee/nsw/nsw+homepage/communitynav/safety/safety+brochures>

***Emergency Contact***

AN10. In case of an emergency relating to Endeavour Energy's electrical network, the applicant should note the Emergencies Telephone is 131 003 which can be contacted 24 hours/7 days.